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SENATE BILL 5952

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State of Washington

59th Legislature

2005 Regular Session

By Senators Jacobsen, Hewitt, Rasmussen and Kohl-Welles

Read first time 02/16/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to licensing exemptions for transporting persons at  
2 horse races; amending RCW 46.25.050; and reenacting and amending RCW  
3 46.16.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are  
6 each reenacted and amended to read as follows:

7 (1) It is unlawful for a person to operate any vehicle over and  
8 along a public highway of this state without first having obtained and  
9 having in full force and effect a current and proper vehicle license  
10 and display vehicle license number plates therefor as by this chapter  
11 provided.

12 (2) Failure to make initial registration before operation on the  
13 highways of this state is a misdemeanor, and any person convicted  
14 thereof must be punished by a fine of no less than three hundred thirty  
15 dollars, no part of which may be suspended or deferred.

16 (3) Failure to renew an expired registration before operation on  
17 the highways of this state is a traffic infraction.

18 (4) The licensing of a vehicle in another state by a resident of

1 this state, as defined in RCW 46.16.028, evading the payment of any tax  
2 or license fee imposed in connection with registration, is a gross  
3 misdemeanor punishable as follows:

4 (a) For a first offense, up to one year in the county jail and a  
5 fine equal to twice the amount of delinquent taxes and fees, no part of  
6 which may be suspended or deferred;

7 (b) For a second or subsequent offense, up to one year in the  
8 county jail and a fine equal to four times the amount of delinquent  
9 taxes and fees, no part of which may be suspended or deferred;

10 (c) For fines levied under (b) of this subsection, an amount equal  
11 to the avoided taxes and fees owed will be deposited in the vehicle  
12 licensing fraud account created in the state treasury;

13 (d) The avoided taxes and fees shall be deposited and distributed  
14 in the same manner as if the taxes and fees were properly paid in a  
15 timely fashion.

16 (5) These provisions shall not apply to the following vehicles:

17 (a) Motorized foot scooters;

18 (b) Electric-assisted bicycles;

19 (c) Farm vehicles if operated within a radius of fifteen miles of  
20 the farm where principally used or garaged, farm tractors and farm  
21 implements including trailers designed as cook or bunk houses used  
22 exclusively for animal herding temporarily operating or drawn upon the  
23 public highways, and trailers used exclusively to transport farm  
24 implements from one farm to another during the daylight hours or at  
25 night when such equipment has lights that comply with the law;

26 (d) Spray or fertilizer applicator rigs designed and used  
27 exclusively for spraying or fertilization in the conduct of  
28 agricultural operations and not primarily for the purpose of  
29 transportation, and nurse rigs or equipment auxiliary to the use of and  
30 designed or modified for the fueling, repairing, or loading of spray  
31 and fertilizer applicator rigs and not used, designed, or modified  
32 primarily for the purpose of transportation;

33 (e) Fork lifts operated during daylight hours on public highways  
34 adjacent to and within five hundred feet of the warehouses which they  
35 serve: PROVIDED FURTHER, That these provisions shall not apply to  
36 vehicles used by the state parks and recreation commission exclusively  
37 for park maintenance and operations upon public highways within state  
38 parks;

1       (f) "Trams" used for transporting persons to and from facilities  
2 related to the horse racing industry as regulated in chapter 67.16 RCW,  
3 as long as the public right-of-way routes over which the trams operate  
4 are not more than one mile from end to end, and the public rights-of-  
5 way over which the tram operates have an average daily traffic of not  
6 more than 15,000 vehicles per day. For the purposes of this section,  
7 "tram" also means a vehicle, or combination of vehicles linked together  
8 with a single mode of propulsion, used to transport persons from one  
9 location to another;

10       (g) "Special highway construction equipment" defined as follows:  
11 Any vehicle which is designed and used primarily for grading of  
12 highways, paving of highways, earth moving, and other construction work  
13 on highways and which is not designed or used primarily for the  
14 transportation of persons or property on a public highway and which is  
15 only incidentally operated or moved over the highway. It includes, but  
16 is not limited to, road construction and maintenance machinery so  
17 designed and used such as portable air compressors, air drills, asphalt  
18 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
19 ditchers, leveling graders, finishing machines, motor graders, paving  
20 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
21 lighting plants, welders, pumps, power shovels and draglines, self-  
22 propelled and tractor-drawn earth moving equipment and machinery,  
23 including dump trucks and tractor-dump trailer combinations which  
24 either (i) are in excess of the legal width, or (ii) which, because of  
25 their length, height, or unladen weight, may not be moved on a public  
26 highway without the permit specified in RCW 46.44.090 and which are not  
27 operated laden except within the boundaries of the project limits as  
28 defined by the contract, and other similar types of construction  
29 equipment, or (iii) which are driven or moved upon a public highway  
30 only for the purpose of crossing such highway from one property to  
31 another, provided such movement does not exceed five hundred feet and  
32 the vehicle is equipped with wheels or pads which will not damage the  
33 roadway surface.

34       Exclusions:

35       "Special highway construction equipment" does not include any of  
36 the following:

37       Dump trucks originally designed to comply with the legal size and  
38 weight provisions of this code notwithstanding any subsequent

1 modification which would require a permit, as specified in RCW  
2 46.44.090, to operate such vehicles on a public highway, including  
3 trailers, truck-mounted transit mixers, cranes and shovels, or other  
4 vehicles designed for the transportation of persons or property to  
5 which machinery has been attached.

6 (6) The following vehicles, whether operated solo or in  
7 combination, are exempt from license registration and displaying  
8 license plates as required by this chapter:

9 (a) A converter gear used to convert a semitrailer into a trailer  
10 or a two-axle truck or tractor into a three or more axle truck or  
11 tractor or used in any other manner to increase the number of axles of  
12 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
13 dolly, and jeep axle.

14 (b) A tow dolly that is used for towing a motor vehicle behind  
15 another motor vehicle. The front or rear wheels of the towed vehicle  
16 are secured to and rest on the tow dolly that is attached to the towing  
17 vehicle by a tow bar.

18 **Sec. 2.** RCW 46.25.050 and 1995 c 393 s 1 are each amended to read  
19 as follows:

20 (1) Drivers of commercial motor vehicles shall obtain a commercial  
21 driver's license as required under this chapter by April 1, 1992. The  
22 director shall establish a program to convert all qualified commercial  
23 motor vehicle drivers by that date. After April 1, 1992, except when  
24 driving under a commercial driver's instruction permit and a valid  
25 automobile or classified license and accompanied by the holder of a  
26 commercial driver's license valid for the vehicle being driven, no  
27 person may drive a commercial motor vehicle unless the person holds and  
28 is in immediate possession of a commercial driver's license and  
29 applicable endorsements valid for the vehicle they are driving.  
30 However, this requirement does not apply to any person:

31 (a) Who is the operator of a farm vehicle, and the vehicle is:

32 (i) Controlled and operated by a farmer;

33 (ii) Used to transport either agricultural products, which in this  
34 section include Christmas trees and wood products harvested from  
35 private tree farms and transported by vehicles weighing no more than  
36 forty thousand pounds licensed gross vehicle weight, farm machinery,  
37 farm supplies, or any combination of those materials to or from a farm;

1 (iii) Not used in the operations of a common or contract motor  
2 carrier; and  
3 (iv) Used within one hundred fifty miles of the person's farm; or  
4 (b) Who is a fire fighter or law enforcement officer operating  
5 emergency equipment, and:  
6 (i) The fire fighter or law enforcement officer has successfully  
7 completed a driver training course approved by the director; and  
8 (ii) The fire fighter or law enforcement officer carries a  
9 certificate attesting to the successful completion of the approved  
10 training course; or  
11 (c) Who is operating a recreational vehicle for noncommercial  
12 purposes. As used in this section, "recreational vehicle" includes a  
13 vehicle towing a horse trailer for a noncommercial purpose; or  
14 (d) Who is transporting persons to and from facilities related to  
15 the horse racing industry as regulated in chapter 67.16 RCW, as long as  
16 the routes over which this action takes place are not more than one  
17 mile from end to end, and the public rights-of-way on which the  
18 activity occurs have an average daily traffic of not more than 15,000  
19 vehicles per day.  
20 (2) No person may drive a commercial motor vehicle while his or her  
21 driving privilege is suspended, revoked, or canceled, while subject to  
22 disqualification, or in violation of an out-of-service order.  
23 Violations of this subsection shall be punished in the same way as  
24 violations of RCW 46.20.342(1).

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